

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

In Re: TESTOSTERONE)
REPLACEMENT THERAPY) CASE No.: 2014-cv-1748
PRODUCTS LIABILITY LITIGATION) MDL No. 2545

This document relates to:

Potts v. Auxilium Pharmaceuticals, Inc. et al.; Case No. 1:14-CV-00345-CG-C,

NOTICE OF PENDING MOTION TO REMAND

Plaintiffs BRIAN POTTS and SANDRA POTTS notify the Court that their Motion for Remand remains pending and hereby requests oral argument on the Motion.¹ Plaintiffs further notify the Court of the October 9, 2014 Transfer Order entered by the Judicial Panel on Multidistrict Litigation (“JPML”).² In transferring the case to this Court, the JPML indicated that “[c]ertain parties’ arguments that the motion to remand will linger in the MDL are undercut by the transferee judge’s expeditious handling of other motions to remand to state court.” Exhibit B at 1.

Prior to the entry of a Conditional Transfer Order sending this case to the JPML, Judge Callie V.S. Granade, of the United States District Court for the Southern District of Alabama, granted Defendants’ Motion to Stay, staying the action “pending receipt of the JPML’s transfer order or decision not to accept the case.³ Judge Granade further indicated that: “[t]he stay does not preclude plaintiff from filing a motion to remand; however, the court will not issue a briefing schedule, or take the motion under submission until after receipt of the JPML’s final decision.” Order at 2.

¹ Plaintiffs’ Motion to Remand was filed in the United States District Court for the Southern District of Alabama and is attached hereto as Exhibit “A.” 1:14-CV-00345-CG-C, Doc. 11 (S. D. Ala. Aug. 8, 2014).

² MDL No. 2545, Doc. 427 at 1 (J.P.M.L. Oct. 9, 2014) (attached hereto as Exhibit “B”).

³ Order, 14-CV-00345-CG-C, Doc. 5. (S. D. Ala. July 30, 2014) (attached hereto as Exhibit “C”).

Accordingly, Plaintiffs' respectfully request that this Honorable Court take Plaintiffs' Pending Motion to Remand under Consideration without further delay. Plaintiffs further request oral argument for Plaintiffs' Motion to Remand.

Dated: October 14, 2014

Respectfully submitted,

AYLSTOCK, WITKIN, KREIS & OVERHOLTZ,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 14, 2014 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: NONE.

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